

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

3/2/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CV 03-00385SOM-LEK

CASE NAME: Wayne Berry vs. HI Express Service, Inc., et al.

ATTYS FOR PLA: Timothy Hogan
Wesley Ichida

ATTYS FOR DEFT: Michael Baumann
Damian Capozzola
Lyle Hosoda
Raina Mead

INTERPRETER:

JUDGE: Susan Oki Mollway

REPORTER: Steve Platt

DATE: 3/2/2006

TIME: 9:25 - 10:00
10:15 - 11:50
1:05 - 4:35
4:40 - 6:15
8:00 - 8:45

COURT ACTION: EP: Further Jury Trial - 3rd Day -

Plaintiff's Witnesses: Thomas Ueno (resumed) and Brian Christensen (recalled).

9:45 a.m. - Plaintiff rests.

Jurors excused.

1) Defendants' Joint Motion for Judgment as a Matter of Law as to Actual Damages and vicarious Infringement and 2) Defendant PCT's Motion Regarding Defendant PCT's Motion for Judgment as Matter of Law on All Claims for Profits and Damages filed - Arguments - taken under advisement.

Defendants' Witnesses: Andrew Chun CST and Brian Christensen (recalled).

Defendants' Admitted Exhibit: 237.

Plaintiff's Admitted Exhibit: 67 (limited purpose, not for content).
Jurors not present.

Defendants' Motion to Exclude Use of Privileged Communications at Trial - arguments -
Denied.

Plaintiff's Admitted Exhibit: 103.

Jurors present.

Defendants' Witnesses: Brian Christensen (resumed); Teresa Noa CST; Alfreda Waiolama CST; Brad Dechter CST; Sonia Purdy CST; Jacqueline Rio CST; and Jeffrey Kinrich CST (expert in computation of financial damages).

Defendants' Admitted Exhibits: 234, 235, and 236.

4:15 p.m. - Defendants rest.

Jurors excused and instructed to return tomorrow @ 8:30 a.m.

Plaintiff's Motion for Judgment as a Matter of Law - Denied.

Defendants' Renewed Motion for Judgment as a Matter of Law - under advisement.

Discussion held re: scheduling.

Parties limited to 45 minutes per side for closing arguments.

Settling of jury instructions to be discussed after this hearing.

Further Jury Trial 3/3/06 @ 8:00 a.m. SOM.

4:45 p.m.- Settling of jury instructions.

Submitted by: Toni Fujinaga, Courtroom Manager.